

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 57 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G E B

Versus

PRAGJIBHAI JAGABHAI

Appearance:

MR MD PANDYA for Appellant

MR SURESH M SHAH for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 24/12/98

ORAL JUDGEMENT

#. Heard the learned counsel for the respective parties.

#. As a result of the hearing and discussion, and in view of the recent decisions of the Supreme Court, learned counsel for the respondents felt some difficulty in defending the impugned order. He therefore suggested and expressed his willingness to make payment to the

appellant-Board a further sum of Rs.40,000/- (Rupees Forty Thousand) as a condition for continuing the impugned order till the disposal of the suit. He further submitted that this amount should be sufficient particularly since he invites a direction to the trial court for early disposal of the suit.

#. Learned counsel for the appellant was not able to dispute the fairness of this offer.

#. On the particular facts and in the circumstances of the case therefore, it is directed that the trial court shall hear and dispose off the pending Special Civil Suit No. 19 of 1990 as expeditiously as possible and in any case not later than 30th April, 1999. The order impugned in the present appeal shall continue till the disposal of the suit on condition that the respondents-original plaintiffs make payment to the defendant-Board latest by 27th January, 1999 a sum of Rs. 40,000/- (Rupees Forty Thousand). It is clarified that if the said amount is not paid by due date, the impugned order shall stand vacated ipso facto without any further orders.

#. In view of the above situation and the directions given, in my opinion, it is not necessary to enter into further merits of the appeal and the same ius accordingly disposed off with no order as to costs.

#. The Registry is directed to send yadi to the trial court forthwith i.e. not later than 31st December, 1998. Direct service is also permitted.

pirzada/-